

REMARKS

Claims 1-23 are pending in the present patent application. The Examiner has allowed claims 1 and 3-23. Applicant respectfully requests re-examination and reconsideration of pending claims 1-23.

The Examiner has closed prosecution on the merits in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

The Examiner states that the present application is in condition for allowance except for the following formal matters:

2. Claim 3 is objected to because of the following informalities: Claim 3 depends upon claim 2, which has been deleted. Appropriate correction is required.
3. Under 37 CFR 1.96(c), submission of computer program listings, as an appendix which will not be printed; if a computer program listing printout is eleven or more pages long, applicant[s] must submit such listing in the form of microfiche, and must refer to such a microfiche at the beginning of the specification.

With respect to claim 3, Applicant submits that dependency upon claim 2 is appropriate. Claim 2 was present in the originally filed application and has not been subsequently canceled, withdrawn or otherwise deleted by the Applicant. In the Preliminary Amendment filed by Applicant on August 18, 1998, claim 2 was neither amended nor deleted. Applicant is unaware of any Examiner's Amendment directed to claim 2.

In light of the above, Applicant submits that claim 2 is pending, and that the objection to claim 3 should be withdrawn. Applicant further submits that claim 2, being dependent upon an allowable base claim, is in condition for allowance.

With respect to the Examiner's reference to the appendix of the application, Applicant submits that Appendix A is not a computer program listing printout as referred to in 37 CFR 1.96(c), and therefore is not subject to the specified microfiche requirements under that section. Rather, Appendix A is an excerpt of a textual reference. Further, Applicant has amended the specification at page 18, line 25; page 21, line 12; page 22, line 16; and page 29, line 1, to recite "Section A" in place of "Appendix A".

CONCLUSION

For at least the foregoing reasons, Applicant submits that the Examiner's objections to the present application are moot. Thus, Applicant contends that the present application, including pending claims 1-30, is in condition for allowance.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on:

March 29, 1999


Signature

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Date